U.S. Environmental Protection Agency

This document is one section from the Response to Public Comments Document regarding the "Draft National Guidance: Best Management Practices for Preparing Vessels Intended to Create Artificial Reefs," published in August 2004. You can find the Response to Comments document in its entirety at http://www.epa.gov/owow/oceans/habitat/artificialreefs/index.html.

Response to Public Comments Regarding the "Draft National Guidance: Best Management Practices for Preparing Vessels Intended to Create Artificial Reefs"

Responses to Comment #s
EPA-HQ-OW-2004-0003-0022
To
EPA-HQ-OW-2004-0003-0026

May 2006

Response to Public Comments regarding the
Draft National Guidance: Best Management Practices for Preparing Vessels Intended to Create Artificial Reefs
69 Fed. Reg. 46141 (August 2, 2004)

Docket ID: EPA-HQ-OW-2004-0003. "*Draft National Guidance: Best Management Practices for Preparing Vessels Intended to Create Artificial Reefs.*" 69 Fed. Reg. 46141 (August 2, 2004).

Public Comment
Docket Document ID: EPA-HQ-OW-2004-0003-0022
Author Date: October 1, 2004
Author: Lauren P. Milligan
Florida State Clearinghouse
Florida Department of Environmental Protection

Comment # M-1:

"Milligan, Lauren"
<Lauren.Milligan@dep.state.fl.us>
10/01/2004 05:09 PM
To: Group Ow-Docket@EPA
cc: Laura-S Johnson/DC/USEPA/US@EPA
Subject: Attn: EPA Docket ID No. OW-2004-0003
Ms. Laura S. Johnson
Marine Pollution Control Branch (4504T)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460
RE: EPA Docket ID No. OW-2004-0003
Environmental Protection Agency - Public Notice - Draft National Guidance: Best Management Practices for Preparing Vessels Intended to Create Artificial Reefs - Notice of Availability and Request for Comments
SAI #: FL200408108824C

Dear Ms. Johnson:
Please see the attached file for the State of Florida's comments on the referenced draft guidance document. An original and three hard copies will be mailed to the EPA Water Docket address.

Thank you for the opportunity to review this proposal. If you have any questions or need additional information, please contact me at (850) 245-2170.

Sincerely,
Lauren P. Milligan, Environmental Consultant
Florida State Clearinghouse
Florida Department of Environmental Protection
3900 Commonwealth Blvd, Mail Station 47

Tallahassee, Florida 32399-3000
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fax (850) 245-2190

Response to Comment # M-1:
The attached file, as mentioned above in the Public Comment Docket Document ID # EPA-HQ-OW-2004-0003-0022, was received. Please see proceeding Public Comment Docket Document ID # EPA-HQ-OW-2004-0003-0023 (Commenter Identification "M-I") for the comment letter submitted, and EPA's response to those comments.

Docket ID: EPA-HQ-OW-2004-0003. *"Draft National Guidance: Best Management Practices for Preparing Vessels Intended to Create Artificial Reefs."* 69 Fed. Reg. 46141 (August 2, 2004).

Public Comment
Docket Document ID: EPA-HQ-OW-2004-0003-0023
Author Date: October 1, 2004
Author: Sally B. Mann
Office of Intergovernmental Programs,
Florida Department of Environmental Protection

Brian S. Barnett
Office of Policy and Stakeholder Coordination
Florida Fish and Wildlife Conservation Commission

Comment # M-I-1:

Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Colleen M. Castille
Secretary

October 1, 2004

Ms. Laura S. Johnson
Marine Pollution Control Branch (4504T)
U.S. Environmental Protection Agency

1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

RE: Environmental Protection Agency – Public Notice – Draft National Guidance: Best Management Practices for Preparing Vessels Intended to Create Artificial Reefs – Notice of Availability and Request for Comments

SAI #: FL200408108824C

Dear Ms. Johnson:

The Florida State Clearinghouse, pursuant to Presidential Executive Order 12372 and Gubernatorial Executive Order 95-359 has coordinated a review of the referenced Draft National Guidance document. The following comments from the Florida Department of Environmental Protection (DEP) and the summarized and enclosed comments from the Florida Fish and Wildlife Conservation Commission (FWC) outline the issues of concern to the State of Florida and should assist you with the development of the final document.

The Florida Department of Environmental Protection supports the development of strong, consistent national requirements and best management practices (BMPs) for creating artificial reefs from obsolete/decommissioned vessels that provide maximum protection of environmental and human health. The DEP supports re-use and recycling of vessel components where possible and is encouraged that this recommendation is included in the general principles for vessel cleanup. Reefing should not be the sole or primary means of vessel disposal, however, and should only occur when it can be clearly demonstrated that environmental and human health will not be compromised.

Response to Comment # M-I-1:

As mentioned in the draft BMP guidance document, several options exist for managing obsolete and decommissioned military and commercial vessels. These options include re-use of the vessel or parts of the vessel, recycling or scrapping, creating artificial reefs, and disposal on land or at sea. The BMP guidance document only discusses the vessel management option of artificial reefing.

The use of the BMP guidance document will help ensure that vessels prepared for use as artificial reefs will be environmentally sound in their use as artificial reefs. The purpose of creating an artificial reef is to benefit the environment by enhancing aquatic habitat and marine resources, as well as providing an additional option for conserving, managing, and/or developing fisheries resources.

The BMP guidance document describes appropriate vessel preparation that could achieve such benefits as an artificial reef and avoid negative impacts to the environment. The clean-up performance goals provided in the BMPs, if implemented and complemented with strategic reef site selection, will maximize the opportunity for these vessels to benefit the environment as artificial reefs.

The best management practices described in the BMP guidance document will serve as national guidance for the preparation of vessels for use as artificial reefs. As vessel-to-reef projects are becoming a more common management option for decommissioned and obsolete MARAD and Navy vessels, the development of this guidance is timely. Currently, no guidance of this kind is available.

Comment # M-I-2:

The draft BMPs recognized that planning (including siting), long-term monitoring, and evaluation are necessary components of each specific project. The DEP supports this critical part of the BMPs and encourages the planning for and inclusion of adequate funding to accomplish success of the project, as well as to assist in decision-making for future projects. It should be recognized, however, that each reefing project is unique and some information obtained from a specific reefing activity and subsequent monitoring may

not be applicable to all future vessel reefing projects. For this reason, EPA should consider developing a broad-based management and monitoring program for vessel reefs to assess their long-term durability, stability, habitat value and chemical and biological conditions.

Response to Comment # M-I-2:

Though it is beyond the scope of this document to provide details on the monitoring aspects of any particular vessel-to-reef project, the BMP guidance document describes the importance of planning (including siting), long-term monitoring, and evaluation as necessary components of each project to help ensure that the anticipated benefits of artificial reefs are attained. In addition, the following text was included in the final version of the BMP guidance document:

"Project planners should evaluate vessel-to-reef projects with regard to chemical and biological considerations as well as long-term durability and stability, as it might relate to future habitat value."

Comment # M-I-3:

In the discussion of PCBs, the document recognizes that the cost of sampling and analysis necessary to determine whether components of equipment contain PCBs $\geq$ 50 ppm, may well exceed the cost for removal and disposal of those items. The DEP recommends that the final

BMPs include language requiring that the affected components or equipment be removed when the cost of PCB sampling and analysis is comparable to the cost of removal and disposal.

Response to Comment # M-I-3:

Because the BMP document is guidance, it cannot require a party to take a given action. The draft guidance document states that "because PCB sampling and analytical procedures can be expensive and time consuming, there may be situations when the cost of sampling and analysis far exceed the cost for removal and disposal." The final guidance further states that "in some cases, vessel-to-reef projects have shown that removal of all electrical cables and wires suspected of containing PCBs was the most economical course of action." The final guidance states that "where there is reason to suspect that equipment or manufactured products containing solid PCBs may contain PCBs $\geq$ 50 ppm, either remove the equipment or component from the vessel, or provide proof that the equipment or component is free of PCBs, unless a PCB bulk product waste disposal approval has been obtained under 40 CFR 761.62(c)."

Keep in mind the PCB regulations at 40 CFR 761 require the proper disposal of all PCB bulk product waste. In lieu of sampling and analysis, the equipment or manufactured items on the ship are assumed to contain solid PCBs $\geq$ 50 ppm, and therefore must be disposed of as PCB bulk product waste (pursuant to 40 CFR 761.62), unless information that the items are free of PCBs can be provided.

Comment # M-I-4:

While the BMPs are being developed specifically for preparing vessels for use as artificial reefs, the document also recommends that the BMPs be used, at a minimum, as guidance for preparing vessels for other in-water uses. In general, the DEP concurs that the BMPs be used for all vessels being placed in the ocean, regardless of the reason for placement, except for the use of vessels as breakwaters. The DEP does not recommend the use of an obsolete/decommissioned vessel as a breakwater, because such use would require more rigorous stability evaluations and preparation.

Response to Comment # M-I-4:

EPA accepts this comment and deleted text referring to the placement of vessels to serve as breakwaters from the guidance (see also *Response to Comment # J-I-5*).

Comment # M-I-5:

The DEP also notes that deployment of vessels as artificial reefs within state territorial waters requires Environmental Resource Permits under Chapter 373, *Florida Statutes*, and easements from the State of Florida Board of Trustees of the Internal Improvement Trust Fund in accordance with Chapter 253, *Florida Statutes*. For deployment in state waters, the applicant must provide reasonable assurance that the project is not contrary to the public interest and will not

violate water quality standards. The applicant must also comply with the requirements and conditions considered during the state's review of the environmental resource permit application.

Response to Comment # M-I-5:

The BMP guidance document does not substitute for any statute or regulation, nor is it a regulation itself. By its terms, the guidance itself does not impose binding requirements on any federal agency, States, other regulatory or resource management authorities, or any other entity. Among other things, the document includes mechanisms to enhance the utility of the Artificial Reefing Program of the Maritime Administration as an option for the disposal of obsolete vessels. It should be noted, however, that under 10 U.S.C. 7306b(c), the Secretary of the Navy must ensure that, prior to transfer of a vessel stricken from the Naval Vessel Register, preparation of a vessel for use as an artificial reef needs to be conducted in accordance with the environmental best management practices in this guidance, as well as "any applicable federal laws." Appendix B identifies selected federal statutes relevant for consideration in preparation of a vessel for use as an artificial reef. Further, other than siting considerations that would affect how a vessel is prepared for use as an artificial reef, the guidance does not detail the legal requirements applicable to transfer, siting, or sinking of vessels as artificial reefs, except for the overview offered in Appendix B. The information in the Appendix is intended only for the convenience of the reader in offer to provide a useful starting point for identifying the principal environmental statutes of interest. State and local laws also may apply to vessel preparation or placement for use as an artificial reef, and interested readers should consult with appropriate State and local authorities to identify further requirements.

This document is not focused solely on the preparation of military vessels intended to be sunk as artificial reefs. This document addresses the preparation of both obsolete and decommissioned military and obsolete commercial vessels when employing the vessel management option of artificial reefing. Although the BMP guidance acknowledges that there are statutory requirements and associated regulations, as well as permit processes applicable to the process of preparing a vessel for reefing, these are not highlighted in this document, except for the overview provided in Appendix B that presents principal federal environmental statutes potentially affecting preparation or placement of a vessel for use as an artificial reef.

Comment # M-I-6:

The Florida Fish and Wildlife Conservation Commission indicates that consistent national standards for the environmental preparation of vessels intended as artificial reefs have been specifically recommended by the State of Florida, are greatly needed, and are strongly supported by the FWC. The FWC has provided specific comments regarding the assessment of asbestos and sampling/removal of PCBs on vessels prepared for deployment. The final guidance document should mention that qualified asbestos inspectors should be used to identify the type and location of asbestos on board any vessel.

Response to Comment # M-I-6:

In response to the comment, EPA revised the BMP guidance as follows:

> "Asbestos can be found throughout ships, from the top of the bridge to the bilge. Identifying the locations and types of asbestos onboard early in the clean-up process is essential for vessel preparation and may involve qualified asbestos inspectors. Once the type and location of asbestos and asbestos-containing materials are identified, a determination should be made whether to remove, encapsulate, or leave the asbestos undisturbed."

Comment # M-I-7:

Additional information on the probability of encountering PCBs on certain ships, the level of PCB testing needed, and the securing of PCB disposal permits should also be provided. Please refer to the enclosed FWC letter for further details and information.

Response to Comment # M-I-7:

The occurrence of PCBs on ships is neither predictable nor consistent. The guidance lists items suspected or known to contain regulated levels of PCBs and where on ship they might be found. This is a guidance document and cannot require a party to take a given action. The PCB regulations require the proper disposal of PCB bulk product waste. In lieu of sampling and analysis, the manufactured items on the ship are assumed to contain solid PCBs $\geq$ 50 ppm and, consequently, must be removed and disposed of as PCB bulk product waste (pursuant to 40 CFR 761.62). EPA has included in the final guidance document a discussion on the risk-based disposal approval process for both PCB bulk product waste (40 CFR 761.62(c) and materials containing PCBs as a result of spills (40 CFR 761.61(c)).

Comment # M-I-8:

The State of Florida has no objection to the issuance of guidance for preparing vessels for reefing as described in the draft BMP document.

Response to Comment # M-I-8:

EPA appreciates the State of Florida's consideration as we move forward to complete the final guidance document.

Florida will carefully evaluate individual proposals covered by final BMPs to ensure adequate protection of marine resources and human health. The evaluation will consider the specific aspects of the proposed activity; the environmental details of the specific areas in which the activity will be conducted; areas that may be affected by the proposed activity; potential impacts resulting from planned activities and accidental events; and other applicable factors. All federal agency activities, as defined in 15 CFR 930, that rely on the BMP guidance will be subject to consistency review by the state under the Coastal Zone Management Act.

Thank you for the opportunity to comment on the Draft National Guidance document. Should you have any questions, please contact Ms. Debby Tucker or Ms. Lauren Milligan at (850) 245-2163.

Sincerely,

Sally B. Mann

Sally B. Mann, Director
Office of Intergovernmental Programs

SBM/dt
Enclosures

cc: Jon Dodrill, FWC, DMFM
Brian Barnett, FWC, OPSC
Thomas Seal, DEP, DWRM

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

BRIAN S. BARNETT, DIRECTOR
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September 20, 2004

Ms. Lauren Milligan
Environmental Consultant
Florida State Clearinghouse
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 47
Tallahassee, FL 32399-3000

RE: SAI #FL200408108824C, Review of Draft National Guidance: Best Management Practices (BMPs) for Preparing Vessels Intended to Create Artificial Reefs

Dear Ms. Milligan:

The following comments are provided by the Florida Fish and Wildlife Conservation Commission's (FWC) state artificial reef program housed within the Division of Marine Fisheries Management. The comments are in support of a Florida State Clearinghouse Coastal Zone Management Act/Florida Coastal Management Program consistency evaluation and a request for comments by the U.S. Environmental Protection Agency (EPA). The comments are based on a review of the Federal draft document entitled: "Draft National Guidance: Best Management Practices for Preparing Vessels Intended to Create Artificial Reefs" (June 24, 2004). The document was drafted and edited during 2003-04 by a working group composed of representatives from the EPA, U.S. Navy, U.S. Maritime Administration, U.S. Coast Guard, U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, and U.S. Army Corps of Engineers. The document was noticed in the Federal Register, Vol. 69, No.147 Monday, August 2, 2004, with a sixty-day public comment period.

Comment # M-I-9:
General Comments

The EPA-MARAD vessel cleaning best management practices (BMPs) are badly needed and long awaited guidelines. The concept of consistent national standards of environmental preparation of vessels to serve as artificial reefs has been specifically recommended by Florida as well as other states and interstate fisheries management commissions. Although clean-up guidelines and standards for ocean disposal of vessels as artificial reefs had been established by Environment Canada in 1998, consistent national guidance for the environmental preparation of **both** military and commercial/private vessels proposed to be used as artificial reefs up to now

has been lacking in the U.S. Despite the fact that in Florida alone at least 28% of the state's more than 2,000 recorded public artificial reef deployments have been vessels of varying sizes (30-510 feet in length), there has been no consistent environmental preparation guidance and standards for cleaning vessels. The exception has been a varying degree of pre-sinking inspection by some local Coast Guard Marine Safety Offices. They have generally limited themselves to requesting removal of floatables, petroleum products, and ensuring sufficient seaworthiness of the vessel to be towed to the sinking site. In the past, the periodic transfer of Coast Guard personnel who served as pre-reefing vessel inspectors resulted in little guidance for predecessors, since there were often no written standards that addressed environmental cleaning issues, particularly for larger vessels. In Florida's case, the heavy reliance by coastal local governments on civilian volunteers and small commercial operations to clean coastal freighters and private vessels as rapidly and inexpensively as possible, and with varying degrees of oversight and no consistent cleaning protocol, has resulted in variation in the degree of environmental preparation of a vessel before it was sunk.

Currently, FWC has no language in its artificial reef rules (68E-9 Florida Administrative Code) or statute (s. 370.25 Florida Statutes) that describe in detail what constitutes a "clean steel hulled vessel" and what steps must be undertaken to make such a vessel clean prior to sinking as an artificial reef. In 2001, FWC in cooperation with the Florida Department of Environmental Protection (DEP), developed and presented to the FWC Commissioners for subsequent approval a policy paper entitled "Policy Issues Relating to the Use of Large Vessels as Artificial Reef Material in Florida". The document (p.3) stated: "In recent years FWC and DEP staff have become increasingly concerned over inconsistencies in cleaning and ship sinking preparation standards and inspections, issues related to identification, handling and removal of hazardous materials on board vessels, vessel seaworthiness during tow, proper siting, stability during major storm events, expense, user conflicts, diver safety, effectiveness as habitat, and sport fish restoration value." One of the policy issues of concern was standards and consistency for vessel cleaning, preparation, stability, and siting. A specific recommendation of this FWC-DEP document was: "Recommend that as part of a coordinated national ship sinking plan that the U.S. EPA, in conjunction with the USCG and other agencies develop a consistent and detailed artificial reef vessel cleaning, preparation and inspection protocol" (paragraph h, p. 15). In a joint Gulf and Atlantic States Marine Fisheries Commissions document (*Guidelines for Marine Artificial Reef Materials, 2nd edition, No.121, January 2004*), the publication stated (p. 41): "The Commissions should continue to press for a comprehensive set of vessel cleaning and preparation standards that would apply uniformly to both federally donated military vessels and civilian vessels procured from the private sector".

In summary, as a general comment, the development of national guidance in the environmental preparation of vessels to be used as artificial reefs as required under Section 3516 of the National Defense Authorization Act (2004) is an action strongly supported by the FWC.

Response to Comment # M-I-9:

EPA appreciates Florida's Fish and Wildlife Conservation Commission's consideration as we move forward to complete the final guidance document. The best management practices described in the BMP guidance document will serve as national guidance for the preparation of vessels for use as artificial reefs. As vessel-to-reef projects are becoming a more common management option for obsolete MARAD vessels, as well as decommissioned Navy vessels, the development of this guidance is timely. Currently, no guidance of this kind is available.

Comment # M-I-10:
BMP Specific Comments:
Asbestos

On page 23 the BMPs state: "Asbestos can be found throughout ships from the bridge to the bottom of the bilge. Identifying the locations and types of asbestos onboard are essential for vessel preparation and should be considered early in the clean up process". However, no mention is made regarding the credentials/certifications required of the individuals who would identify these various asbestos materials.

Response to Comment # M-I-10:

EPA accepts this comment. Please see *Response to Comment # M-I-6* for the revisions that have been incorporated in the final BMP guidance document.

Comment # M-I-11:

Additionally, if any explosives are used in the sinking of the vessel or the vessel undergoes any structural modifications required for sinking, then the vessel itself becomes a facility demolition project under the asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) (see p. 41 *Guidelines for Marine Artificial Reef Materials, 2004*).

Response to Comment # M-I-11:

The method of demolition is particularly important to the effective management of asbestos onboard ships. With regard to ship preparation, the guidance document states that if the vessel sinking method includes the use of explosives, asbestos-containing material that may become disturbed during detonation should be removed from the vessel. The guidance document further states that any asbestos that has been moved or disturbed (including during clean-up operations) or can potentially get dislodged as the vessel sinks should be

removed from the vessel. The guidance presents this clean-up goal only in context of vessel preparation for a vessel-to-reef project, not actual sinking itself.

Comment # M-I-12:

In Florida, for state and federally funded vessel artificial reef projects, FWC requires an EPA or Florida DEP air quality specialist or a designated certified consultant with asbestos experience to conduct an asbestos assessment of a vessel prior to sinking. Mention should be made in the BMPs that qualified asbestos inspectors should be used in identifying the type and location of asbestos on board the ship. The owner, contractor, or project sponsor may not have the personal expertise to identify asbestos containing materials, their category, and whether they are regulated.

Response to Comment # M-I-12:

Please see *Response to Comment # M-I-6* for the revisions incorporated in the final guidance document.

Comment # M-I-13:

Even though the document states that it is not its intent to focus on regulatory requirements, pertinent asbestos related federal regulations, as was done in the PCB section of the guidelines, should be listed for reference.

Response to Comment # M-I-13:

With the exception of materials containing PCBs regulated for disposal, EPA did not attempt to elaborate on other federal, State, or local regulations, although those requirements that are directly applicable to vessel preparation in the context of the clean-up performance goals must also be met prior to vessel sinking and placement. Elaboration on PCBs was the exception because TSCA regulates the disposal of PCBs.

Comment # M-I-14:

PCBs (p. 25)

This document should state whether or not it is reasonable to assume that any ship, military or civilian, built after 1979 would not have either solid or liquid PCBs on board, and whether or not civilian vessels built prior to 1979 should be presumed to have PCBs on board that would trigger sampling requirements.

Response to Comment # M-I-14:

EPA does not have the necessary data to make the assumption or finding that ships, civilian or military, constructed after 1979 do not contain materials with regulated levels of PCBs. The PCB regulations at 40 CFR 761 do not require sampling and analysis; therefore, it is not possible to provide specific sampling and analytical plans for ships. In addition, due to the design, layout, and configuration differences between classes of ships and individual

ships, it is not practical or possible to design a single generic sampling and analysis plan. EPA recommends consulting with our Regional PCB coordinators when considering sampling and analytical plans. For further discussion regarding presence of PCBs onboard vessels and PCB sampling requirements, see *Response to Comment # M-I-7*.

Comment # M-I-15:
Some statement of the minimum number of PCB samples required for a vessel should be made, as well as the type of PCB testing needed.

Response to Comment # M-I-15:
The PCB regulations at 40 CFR 761 do not require sampling and analysis; therefore, it is not possible to layout specific sampling and analytical plans for ships. In addition, due to the design, layout and configuration differences between classes of ships and individual ships, it is not practical or possible to design a single generic sampling and analysis plan. EPA recommends consulting with our Regional PCB coordinators when considering sampling and analytical plans. For further discussion regarding presence of PCBs onboard vessels and PCB sampling requirements, see *Response to Comment #s M-I-7 and M-I-14*.

Comment # M-I-16:
Vessel preparation can't be addressed until it is known what the PCB levels are in the suspect materials on board.

Response to Comment # M-I-16:
PCB levels of materials found onboard vessels that are intended to serve as artificial reefs have a direct influence on the vessel preparation required from the PCB perspective. For further discussion regarding presence of PCBs onboard vessels see *Response to Comment #s M-I-7 and M-I-14.*

Per the draft guidance document, where there is reason to suspect that equipment or manufactured products containing solid PCBs may contain PCBs ≥ 50 ppm, either remove the equipment or component from the vessel, or provide proof that the equipment or component is free of PCBs, unless a PCB bulk product waste disposal approval has been obtained under 40 CFR 761.62(c). Because PCB sampling and analytical procedures can be expensive and time-consuming, there may be situations when the cost of sampling and analysis far exceeds the cost for removal and disposal. In some cases, vessel-to-reef projects have shown that removal of all electrical cables and wires suspected of containing PCBs is the most economical course of action. For further discussion regarding PCB sampling requirements, see *Response to Comment #s M-I-7 and M-I-14.*

Comment # M-I-17:
However, if no civilian and all post-1979 model military vessels no longer have PCBs, this should be mentioned to avoid unnecessary sampling for PCBs that are not there.

Response to Comment # M-I-17:
EPA does not have the necessary data to make the assumption or finding that ships, civilian or military, constructed after 1979 do not contain materials with regulated levels of PCBs. The PCB regulations at 40 CFR 761 do not require sampling and analysis; therefore, it is not possible to detail specific sampling and analytical plans for ships. In addition, due to the design, layout and configuration differences between classes of ships and individual ships, it is not practical or possible to design a single generic sampling and analysis plan. EPA recommends consulting with EPA's Regional PCB coordinators when considering sampling and analytical plans. For further discussion regarding presence of PCBs onboard vessels and PCB sampling requirements, see *Response to Comment #s M-I-7, M-I-14, and M-I-16.*

Comment # M-I-18:
P. 27. The statement is made that "EPA recognizes that non-liquid PCBs may be difficult to locate and remove and that removal may jeopardize the integrity of the ship." Since the only integrity issue pertinent to deploying a vessel as an artificial reef is that the vessel have sufficient external water-tight hull integrity to safely make the tow to a reef site, how would the removal of bulkhead insulation, wire cable, felt gaskets, or other interior PCB containing material adversely impact external hull water-tight integrity where no through-hull holes are made?

Response to Comment # M-I-18:
It may be possible to remove bulkhead insulation, wire cable, felt gaskets, and other interior PCB bulk product waste while not adversely impacting the water-tight integrity of the vessel. For this reason, the guidance document has been revised so that language indicating that the removal of any non-liquid PCBs "jeopardizes the integrity of the ship" has been removed. However, the final BMP guidance document will still state that "while the complete removal of all manufactured products containing $\geq$ 50 ppm of solid PCBs is recommended, EPA recognizes that in some vessels it may not be feasible to identify and remove every such item." The final guidance will further state that "[i]f such materials [PCB bulk product waste or PCB remediation waste] cannot be feasibly identified and/or removed, an application to EPA for a risk-based approval to dispose of the PCB bulk product waste in a marine environment for purposes of creating an artificial reef is required pursuant to 40 CFR 761.62(c)." For further discussion regarding revisions specific to vessel preparation with respect to PCBs, see *Response to Comment # M-I-20*.

Comment # M-I-19:
The salvage of nonferrous metals and machinery for recycling, which commonly occurs throughout a ship to recover some of the costs of the vessel clean-up, would be at least as intrusive.

Response to Comment # M-I-19:

The final BMP guidance document addresses the potential impacts of removing salvageable materials from a vessel. The BMP guidance document suggests that "operations associated with salvage, clean-up, and diver access have the potential to adversely impact vessel stability. Failure to consider the impact of these activities on vessel stability before and during scuttling operations could result in premature and uncontrolled capsizing and/or sinking of the vessel. Therefore, vessel stability considerations should be an integral part of the salvage, clean-up, modification (for diver access), transport, and sinking plans of a vessel-to-reef project." For discussions regarding PCB removal and impacts to vessel integrity, see *Response to Comment #s M-I-18* and *M-I-20*.

Comment # M-I-20:

We suggest a replacement statement: "EPA recognizes that non-liquid PCBs may be difficult to remove in their entirety. Removal of all materials containing PCBs at or above 50 ppm in some vessel types may not prove cost-effective for the vessel owner or sponsor. PCB disposal permits are based on human health and environmental risk assessments, and are not automatically issued. Any vessel owner or sponsor should carefully assess its financial ability to address solid PCB

removal issues well in advance of commencing cleanup efforts on a vessel, and not assume that a risk-based PCB disposal permit will be automatically forthcoming."

Response to Comment # M-I-20:

EPA added language similar to the proposed language in the final guidance document. EPA made the appropriate modifications to the PCB chapter of the document under the section "How should the vessel be prepared; what are the appropriate BMPs for PCBs?" More specifically, the comment is addressed as follows:

> "While the complete removal of all manufactured products containing $\geq$ 50 ppm of solid PCBs is recommended, EPA recognizes that in some vessels it may not be feasible to identify and remove every such item. If such materials cannot be feasibly identified and/or removed, an application to EPA for a risk-based approval to dispose of the PCB bulk product waste in a marine environment for purposes of creating an artificial reef is required pursuant to 40 CFR 761.62(c). (EPA's decision includes consideration of a risk assessment submitted by the applicant, and a public participation process. Please consult the responsible EPA office for more information.)"

The PCB chapter was revised further with the following information:

> "Any vessel owner and/or sponsor should carefully consider the amount of time, resources and financial commitments necessary to address the identification, removal and disposal of non-liquid PCB-containing materials and materials contaminated by spills of liquids containing PCBs before finally deciding if a vessel is suitable for reefing, and well in advance of commencing clean-up. EPA strongly recommends vessel owners and/or sponsors begin discussions as soon as possible with the PCB coordinator for the EPA Region in which the vessel is proposed to be sunk. A list of EPA's current PCB coordinators may be found at www.epa.gov/pcb/coordin.html."

The PCB chapter revisions also include information pertaining to the disposal approval requirements for materials containing PCBs as a result of spills. The following information pertaining to securing an EPA PCB risk-based disposal approval has been incorporated in the PCB chapter of the final guidance document:

> "If there is no information regarding whether a spill occurred and/or the PCB concentration of any spilled liquid, design and implement a representative sampling plan to verify that there are no PCBs present in the areas surrounding the liquid-filled equipment or systems. If the sampling results indicate presence of PCBs as a result of a spill of liquids containing PCBs, remove the spill residue and the materials contaminated by the spill (e.g., remove paint from a contaminated surface such as a metal deck, strip the contaminated area down to bare metal in accordance with 40 CFR 761.79(b)(i)(B)). If spill residues or materials contaminated by PCB spills cannot be feasibly removed, an application to EPA for a risk-based approval to dispose of the PCBs in a marine environment for purposes of creating an artificial reef is required pursuant to 40 CFR 761.61(c). (EPA's decision includes consideration of a risk assessment submitted by the applicant, and a public participation process. Please consult the responsible EPA office for more information.)"

Further, EPA recommends that any vessel owner or buyer carefully consider the cost and resources needed prior to initiating a reefing project, and further, to consult with EPA as soon as possible.

Comment # M-I-21:

The BMPs give the reader the impression that all one has to do to leave PCBs in excess of 50ppm in solid materials on board a ship is to secure a PCB disposal permit from the EPA. The reader needs to be advised by EPA in this document exactly what is involved in securing such a disposal permit, the time line involved, and that such a permit may have special conditions that would be challenging for a sponsor to meet. There should be some specific mention of risk-based human health and environmental assessment requirements as part of requesting a PCB disposal permit.

Response to Comment # M-I-21:
EPA added a discussion of the risk-based disposal approval in the final guidance document. See *Response to Comment #s J-I-16 and M-I-20* for details regarding the modifications.

If you have any questions regarding these comments, please contact me, or Mr. Jon Dodrill, FWC's Artificial Reef Program Administrator, at 850-488-6058.

Sincerely,

for Brian S. Barnett, Director
Office of Policy and Stakeholder Coord.

bsb/tgw
u:\traci.wallace\sai 8824c.doc
ENV 1-2-3
cc: Mr. Jon Dodrill

Docket ID: EPA-HQ-OW-2004-0003. "*Draft National Guidance: Best Management Practices for Preparing Vessels Intended to Create Artificial Reefs.*" 69 Fed. Reg. 46141 (August 2, 2004).

Public Comment
Docket Document ID: EPA-HQ-OW-2004-0003-0024
Author Date: October 4, 2004
Author: Anonymous

Comment # N-1: The primary author's name has been misspelled on the South Carolina DNR PCB study. The correct spelling is MARTORE. This name has been misspelled in the text and in the References.

Response to Comment # N-1:
EPA incorporated the suggested change from the comment in the final guidance document.

Docket ID: EPA-HQ-OW-2004-0003. "*Draft National Guidance: Best Management Practices for Preparing Vessels Intended to Create Artificial Reefs.*" 69 Fed. Reg. 46141 (August 2, 2004).

Public Comment
Docket Document ID: EPA-HQ-OW-2004-0003-0025
Author Date: October 1, 2004
Author: Richard Gutierrez
Basel Action Network

Comment # O-1:

"R. Gutierrez" <rgutierrez@seanet.com>
10/01/2004 07:28 PM
To: Laura-S Johnson/DC/USEPA/US@EPA, Group Ow-Docket@EPA
cc: Jim Puckett <apex@seanet.com>
Subject: BAN Comments on the Draft Reefing Guidance
Dear Ms. Johnson,

Please find attached comments of the Basel Action Network on the Draft National Guidance: Best Management Practices for Preparing Vessels Intended to Create Artificial Reefs.

If there are any problems with the attached pdf. documents please let us know.
Thank you very much.

Yours sincerely,
Richard Gutierrez
Basel Action Network
1305 4th Ave., Suite 606
Seattle, Washington 98101
Tel. (206) 652 57 51; Fax (206) 652 57 50
www.ban.org

Response to Comment # O-1:

The attached file, as mentioned above in the Public Comment Docket Document ID # EPA-HQ-OW-2004-0003-0025, was received. Please see proceeding Public Comment Docket Document ID # EPA-HQ-OW-2004-0003-0026 (Commenter Identification # "O") for the comment letter submitted, and EPA's response to those comments.

Docket ID: EPA-HQ-OW-2004-0003. *"Draft National Guidance: Best Management Practices for Preparing Vessels Intended to Create Artificial Reefs."* 69 Fed. Reg. 46141 (August 2, 2004).

Public Comment
Docket Document ID: EPA-HQ-OW-2004-0003-0026
Author Date: October 1, 2004
Author: Richard Gutierrez and Jim Puckett
Basel Action Network

turn back the toxic tide

C/O Asia Pacific Environmental Exchange
1305 Fourth Avenue, Suite 606
Seattle, Washington 98101
Telephone 206 652-5555 Web: www.ban.org

October 1, 2004

Water Docket
Environmental Protection Agency
1200 Pennsylvania Avenue, NW.
Washington, DC 20460,

Attention: Docket ID No. OW-2004-0003

To Whom It May Concern:

In response to the request for public comments on the **Draft National Guidance: Best Management Practices for Preparing Vessels Intended to Create Artificial Reefs** (Reefing Guidance), 69 Fed. Reg. 46141 (Aug. 2, 2004), please find our comments enclosed.

Sincerely yours,

Jim Puckett, Richard Gutierrez

Comments on the Draft National Guidance for Best Management Practices for Preparing Vessels Intended to Create Artificial Reefs

Prepared by the Basel Action Network (BAN)

October 1, 2004

Comment # O-I-0:

I. Introduction

The Basel Action Network (BAN) is an international non-profit environmental organization whose core mission is the prevention of toxic trade – the trade in toxic wastes, products, and technologies and the promotion of a toxics free world. Toxic trade exploits free markets and the globalization movement to transfer pollution and its costs to some of the world's most impoverished and disempowered communities while allowing polluters to avoid upstream solutions and responsibility for creating the pollution in the first instance.

GENERAL RESPONSE # O-I-0 TO BASEL ACTION NETWORK COMMENTS:

The document which is the subject matter of the Basel Action Network's (BAN) comments (*Draft National Guidance: Best Management Practices for Preparing Vessels Intended to Create Artificial Reefs*) was prepared in response to a Congressional directive (§ 3516 of P.L. 108-136) calling for the development of guidance on preparation of vessels for use as artificial reefs. That provision directs the U.S. Maritime Administration (MARAD) and the U.S. Environmental Protection Agency (EPA) to jointly develop guidance recommending environmental best management practices to be used in the preparation of vessels for use as artificial reefs. It also provides that the environmental best management practices shall:

- Include recommended practices for the preparation of vessels for use as artificial reefs to ensure that vessels so prepared will be environmentally sound in their use as artificial reefs;
- Promote consistent use of such practices nationwide;
- Provide a basis for estimating the costs associated with the preparation of vessels for use as artificial reefs; and
- Include mechanisms to enhance the utility of the Artificial Reefing Program of the Maritime Administration as an option for the disposal of obsolete vessels.

Many of the specific comments by BAN express opposition to, or concern with, artificial reefing itself, express a preference for use of alternatives for managing obsolete and decommissioned vessels other than artificial reefing, express concern that the document somehow undermines development or use of such alternatives, or address a variety of regulatory and permitting matters under domestic law or international treaties. At the outset, EPA notes that many of these comments address matters that are outside the purpose and scope of the document required by § 3516 of P.L. 108-136. The final BMP guidance document in no way authorizes or implies authorization of any placement of vessels as artificial reefs, which can only occur after necessary regulatory authorizations

are obtained and in compliance with applicable environmental laws. Many such authorizations involve permitting processes that include the opportunity for public comment on whether placement of the artificial reef should be permitted, and if so, under what conditions. For further discussion, see *Response to Comment # O-I-67* below.

Further, the guidance document itself makes clear that:

- It does not contain or substitute for any statute or regulation nor does it impose binding requirements. See e.g., June 24, 2004 "Draft National Guidance: Best Management Practices for Preparing Vessels Intended to Create Artificial Reefs" (Draft BMP guidance document), pg 9.
- With the exception of materials containing PCBs, it does not interpret the applicability or implementation of any other federal, State, or local statutes or regulations. Draft BMP guidance document, pp 9 and 26.
- The final preparation plan for any particular artificial reef project is case-specific, and will depend on the characteristics of the vessel and final permitted artificial reef construction site, as well as regulatory considerations. *Id*.
- The BMPs are intended for use when preparing vessels to serve as artificial reef habitat at permitted sites (Draft BMP guidance document, pg 7) and to foster "the preparation of vessels in a manner that will ensure that the marine environment will benefit from their use as an artificial reef." Draft BMP guidance document, pg 9.

Finally, the guidance does provide an overview of principal federal environmental statutes potentially affecting preparation or placement of a vessel for use as an artificial reef. Further, other than siting considerations that would affect how a vessel is prepared for use as an artificial reef, this document does not provide information detailing the legal requirements applicable to transfer, siting, or sinking of vessels as artificial reefs in vessel-to-reef projects, except for the overview offered in Appendix B. On a case-by-case basis, additional federal statutes also may apply, though the federal statutes identified in Appendix B would be most relevant for the preparation of a vessel for use as an artificial reef.

Accordingly, EPA does not provide further response regarding comments expressing opposition to using obsolete and decommissioned vessels as artificial reefs, recommending the use of alternatives to artificial reefing, seeking inclusion of regulatory guidance, or requesting that the document address specific regulatory regimes. In keeping with Section 3516 of the National Defense Authorization Act for Fiscal Year 2004, this guidance document addresses only recommended clean-up practices for vessels that are intended to be placed as artificial reefs. It neither endorses such placement, nor does it address the potential availability or environmental effects associated with alternatives to placement of vessels as artificial reefs. EPA addresses such comments only to the extent necessary to ensure a clear understanding of the guidance document's purpose and scope, and to ensure accurate portrayal of the various statutory, regulatory, and treaty provisions raised by the comments.

Comment # O-I-1:
The practice of disposing end-of-life vessels through ocean dumping for "artificial reefs" concerns BAN. First, the practice can be seen as a toxic trade or transboundary movement of pollution issue – already we have heard of plans to export some US toxic ships to Caribbean countries, or to utilize areas of the high seas (the global commons) to allow dumping of toxic materials and valuable steel scrap.

Response to Comment # O-I-1:
In the domestic ship reefing context, as presented in the BMP guidance document, there is no transboundary movement of hazardous waste – that is, the ships will not be exported from the U.S. The ship reefing activities occur completely outside of a transboundary transaction. Furthermore, the authority of the Secretary of the Navy under 10 U.S.C. 7306(a) to transfer vessels stricken from the Naval Register, i.e., the preparation of which would be guided by the BMPs in this document, is restricted to "any State, Commonwealth, or possession of the United States, or any municipal corporation or political subdivision thereof," none of which would seem to have an incentive to move a transferred vessel across any international boundary. For further discussion, see also *Response to Comment #s O-I-50 and O-I-58* below.

It is not our intent to "allow dumping of toxic materials or valuable steel scrap on the high seas." Placement of appropriately prepared/cleaned vessels for the creation of artificial reefs is not ocean dumping within the meaning of either relevant international treaties or U.S. domestic law. The Marine Protection, Research, and Sanctuaries Act (MPRSA), known as the Ocean Dumping Act, regulates the transportation of material from the United States for the purpose of disposing it into ocean waters. "Dumping," however, does not include the placement of structures or devices in the ocean for a purpose other than disposal (e.g., for fisheries enhancement, aids to navigation, or scientific research) provided that such placement is otherwise regulated by federal or State law or occurs pursuant to an authorized federal or State program.

There are a variety of laws that protect our ocean and coastal waters, many of them tailored to address specific types of activities or materials. The creation of artificial reefs is regulated under a number of separate statutes, including the National Fishing Enhancement Act, Section 404 of the Clean Water Act (when within three miles from shore), and Section 10 of the Rivers and Harbors Act. Activities permitted under those statutes must comply with the requirements of the Coastal Zone Management Act, when applicable. If there are PCBs at concentrations of over 50 parts per million on a vessel to be used as an artificial reef, the sinking of the vessel is regulated under the Toxic Substances Control Act. In addition, Navy vessels to be used as artificial reefs also must be prepared in accordance with the BMP guidance document pursuant to National Defense Authorization Acts for Fiscal Years 2003 and 2004 (see Appendix A of the guidance document).

This guidance identifies materials or categories of materials of concern that may be present aboard vessels, indicates where these materials may be found, and describes their potential adverse impacts if released into the marine environment. For each material of concern identified, this document provides a narrative clean-up performance goal and information

on methods for addressing those goals in preparation of the vessel prior to sinking. The preparation of vessels in this manner will help ensure that their use as artificial reefs is environmentally sound.

The purpose of creating an artificial reef is to benefit the environment by enhancing aquatic habitat and marine resources, as well as providing an additional option for conserving, managing, and/or developing fisheries resources. The BMP guidance document describes appropriate vessel preparation that could achieve such benefits as an artificial reef and avoid negatively impacting the environment with pollutants. The clean-up performance goals provided in this document, if implemented and accompanied by strategic site selection, will maximize the opportunity for a vessel to benefit the environment as an artificial reef.

For further discussion, see also *Response to Comment #s O-I-63, O-I-64,* and *O-I-67* below.

Comment # O-I-2:

Second, such practices not only directly threaten environments, fish stocks and communities dependent on such resources in developing countries, but similar to the direct phenomenon of export, such dumping practices ultimately absolves the owners of the vessels (those that benefited from their existence) from taking full responsibility over their vessel's toxic constituents now and in future through non-toxic ship design.

Response to Comment # O-I-2:

As mentioned above in *Response to Comment # O-I-1,* the purpose of creating an artificial reef is to benefit the environment by enhancing aquatic habitat and marine resources, as well as providing an additional option for conserving, managing, and/or developing fisheries resources. The use of the BMP guidance document will help ensure that vessels prepared for use as artificial reefs will be environmentally sound in their use as artificial reefs.

The purpose of this guidance document is to provide recommendations for vessel preparation/cleaning for domestic reefing (i.e., vessels sunk within the boundary of the outer continental shelf of the United States). The guidance document identifies environmentally sound best management practices for the preparation of vessels to be sunk with the intention of creating artificial reefs in permitted artificial reef construction areas. For further discussion, see *Response to Comment #s O-I-1, O-I- 63, O-I-64,* and *O-I-67* as well as *General Response # O-I-0 to Basel Action Network Comments* regarding the BMP guidance document's purpose and scope.

Comment # O-I-3:
We are likewise concerned about the practice of dumping valuable steel resources at sea rather than accomplishing far more appropriate resource recovery in an environmentally sound and sustainable manner.

Response to Comment # O-I-3:
The guidance document provides recommended clean-up performance goals specific to the vessel management option of creating an artificial reef. In keeping with Section 3516 of the National Defense Authorization Act for Fiscal Year 2004, this guidance neither endorses the placement of vessels as artificial reefs nor does it address the potential availability or environmental effects associated with alternatives to placement of vessels as artificial reefs. Placement of appropriately prepared/cleaned vessels for the creation of artificial reefs is not ocean dumping within the meaning of either relevant international treaties or U.S. domestic law. For further discussion, see *Response to Comment #s O-I-1, O-I-63, O-I-64,* and *O-I-67* as well as *General Response # O-I-0 to Basel Action Network Comments* regarding the BMP guidance document's purpose and scope.

Comment # O-I-4:
The globally recognized waste management hierarchy strongly suggests that dumping waste at sea is not the environmentally preferable option. The United States should be fostering a robust and state-of-the-art ship recycling infrastructure in this country, not looking for hiding places or cheap disposal options that undermine the worthwhile development of the recycling industry.

Response to Comment # O-I-4:
Several options exist for managing obsolete and decommissioned military and commercial vessels. These options include re-use of the vessel or parts of the vessel, recycling or scrapping, creating artificial reefs, and disposal on land or at sea. The draft BMP guidance discuss the vessel management option of artificial reefing.

It is beyond the scope of the BMP guidance to provide a decision process to determine the management option for obsolete and decommissioned military and commercial vessels. The specific application of this guidance document is for implementing the vessel management option of creating an artificial reef.

The development of guidance on preparation of vessels for artificial reefs as directed by Congress neither undermines nor promotes the ship recycling industry in the U.S., much less undermine or promote "cheap disposal options" as the commenter states. Placement of appropriately prepared/cleaned vessels for the creation of artificial reefs is not ocean dumping within the meaning of either relevant international treaties or U.S. domestic law. For further discussion, see *Response to Comment #s O-I-1, O-I-63, O-I-64,* and *O-I-67* as well as *General Response # O-I-0 to Basel Action Network Comments* regarding the BMP guidance document's purpose and scope.

Comment # O-I-5:
Finally, we believe that dumping end-of-life vessels at sea sends a dangerous cultural message that the natural world and in particular our marine environment can be used as humanity's trash bin. The notion that nature can be "improved upon" by artificial constructs, is a dangerous one as it presupposes that humans understand ecology fully and it further presupposes that nature should not be preserved to the extent possible as it is regardless of whether human beings value it in its natural state or not.

Response to Comment # O-I-5:
As stated in the draft BMP guidance document, the purpose of creating an artificial reef is to benefit the environment by enhancing aquatic habitat and marine resources, as well as providing an additional option for conserving, managing, and/or developing fisheries resources. The draft BMP guidance document describes appropriate vessel preparation that could achieve such benefits as an artificial reef and avoid negatively impacting the environment with pollutants. The clean-up performance goals provided in this document, if implemented and accompanied by strategic site selection, will maximize the opportunity for a vessel to benefit the environment as an artificial reef.

Placement of appropriately prepared/cleaned vessels for the creation of artificial reefs is not ocean dumping within the meaning of either relevant international treaties or U.S. domestic law (see *Response to Comment #s O-I-1, O-I-63, O-I-64,* and *O-I-67* below).

2

Comment # O-I-6:
In sum, BAN believes that the practice of reefing vessels:

- poses a serious environmental threat, particularly from persistent pollutants (e.g. heavy metals and PCB constituents (in solid or liquid matrices) remaining in the reefed vessels; The threat from PCBs is known to be worse for sensitive populations including African and native Americans as well as for children.

Response to Comment # O-I-6:
In response to the commenter's opposition to the practice of artificial reefing of vessels, see *General Response # O-I-0 to Basel Action Network Comments* above. With regard to concerns about persistent pollutants and PCBs, see *Response to Comment #s O-I-26* through *O-I-53*. With regard to environmental justice issues, see *Response to Comment # O-I-42*.

Comment # O-I-7:

- provides no responsibility in accordance with the polluter pays principle, and therefore provides no future incentives to prevent the use of toxic constituents in shipbuilding;

Response to Comment # O-I-7:

Regarding the "polluter pays principle," see *Response to Comment # O-I-66* below. For further discussion regarding the draft BMP guidance document's purpose and scope, see *General Response # O-I-0 to Basel Action Network Comments*.

Comment # O-I-8:

- prevents vital industrial materials, such as scrap steel, from being recycled and reused;

Response to Comment # O-I-8:

Several options exist for managing obsolete and decommissioned military and commercial vessels. These options include re-use of the vessel or parts of the vessel, recycling or scrapping, creating artificial reefs, and disposal on land or at sea. The BMP guidance document discusses the vessel management option of artificial reefing. In the context of cleaning/preparing a vessel prior to reefing, the BMP guidance document does address salvage of useful materials on the vessels (draft BMPs, pg 8). More specifically, the BMP guidance document states that "some portions of a candidate vessel may be economically salvageable. Any such salvage operations should occur in a manner that will minimize debris and contamination with oils or other products that have to be cleaned up at a later date. This activity should allow for improved access for subsequent clean-up efforts, and the salvage proceeds may help offset some costs for vessel preparation." Further, the placement of appropriately prepared/cleaned vessels with the intent to create an artificial reef is the "re-use" or "recycling" of the vessel itself.

It is beyond the scope of the BMP guidance to provide a decision process to determine the management option for obsolete and decommissioned military and commercial vessels. The specific application of this guidance document is for implementing the vessel management option of creating an artificial reef. For further discussion regarding the draft BMP guidance document's purpose and scope, see *General Response # O-I-0 to Basel Action Network Comments.*

Comment # O-I-9:

- prevents the jobs and industrial development for a robust domestic infrastructure for recycling our own wastes in accordance with the self-sufficiency principle of the Basel Convention;

Response to Comment # O-I-9:
See *Response to Comment # O-I-8* above. For further discussion regarding the Basel Convention, see *Response to Comment # O-I-55* through *O-I-58* below.

Comment # O-I-10:

- Sends a dangerous cultural message that the seas can be used as dumping grounds and that nature can be improved upon by human intervention;

Response to Comment # O-I-10:
See *Response to Comment #s O-I-1* and *O-I-5*.

Public Comment Docket Document ID # EPA-HQ-OW-2004-0003-0026 comments and the respective responses are continued in the next document section identified as: "**Responses to Comment # EPA-HQ-OW-2004-0003-0026 (Continued)**"